

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria Vezquez, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 65C-20.010 Health Related Requirements.
 - (1) General Requirements.
 - (a) through (p) No change.
 - (q) Child Discipline
 - 1. The children received for care in a family day care home should be disciplined only in a constructive manner.
 - 2. Children in a family day care home shall not be subject to discipline which is severe, humiliating, or frightening.
 - 3. Discipline shall not be associated with food, rest or toileting in family day care homes.
 - 4. Spanking or any other form of physical punishment is prohibited in family day care homes.
 - (2) through (6) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended _____.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Annual and Quarterly Reporting Requirements RULE NO.: 4-137.001

PURPOSE AND EFFECT: The rules are being amended to update NAIC manual references to adopt new improvements to the manuals and maintain consistency with the NAIC and other jurisdictions.

SUMMARY: Current versions of NAIC manuals are adopted.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1) FS.
LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 9:30 a.m., February 9, 1999
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 4-137.001 Annual and Quarterly Reporting Requirements.
 - (1) through (3) No change.
 - (4) Manuals Adopted.
 - (a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:
 - 1. ~~The~~ NAIC's Annual Statement Instructions, Property and Casualty, ~~1998~~ 1996;
 - 2. ~~The~~ NAIC's Annual Statement Instructions/Life, Accident and Health, ~~1998~~ 1996;
 - 3. ~~The~~ NAIC's Accounting Practices and Procedures Manual for Property and Casualty Insurance Companies, ~~1998~~ 1996; and
 - 4. ~~The~~ NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, ~~1998~~ 1996.

- (b) Copies of the manuals are available:
 - 1. ~~F~~rom the National Association of Insurance Commissioners, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105, and ~~are available~~
 - 2. ~~F~~or inspection during regular business hours at the Bureau of Life and Health Insurer Solvency or the Bureau of Property and Casualty Insurer Solvency, as appropriate, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0300.

Specific Authority 624.308(1) FS. Law Implemented ~~624.307(1), 624.424(1)~~ FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 1998

DEPARTMENT OF INSURANCE

RULE TITLES:
 NAIC Financial Examiners Handbook Adopted
 Required Opinions

RULE NOS.:
 4-138.001
 4-138.044

PURPOSE, EFFECT AND SUMMARY: Current versions of NAIC manuals are adopted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1), 625.121(3)(a) FS.

LAW IMPLEMENTED: 624.307(1), 624.316(1)(c), 624.424(1), 625.121(3) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m., February 9, 1999

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerry Krantz, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-138.001 NAIC Financial Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Examiners Handbook (1998 1996) is hereby adopted and incorporated by reference, with the exception of Part 8, Appendix A.

(2) Financial examinations by the Department shall be performed in substantial conformity with the methodology outlined in the Handbook, so long as that methodology is consistent with statutory accounting principles and the Florida Insurance Code.

(3) A copy of the Handbook may be:

(a) Obtained from the National Association of Insurance Commissioners, 120 West 12th Street, Suite 1100, Kansas City, Missouri 63105; or

(b) A copy of the Handbook may be inspected at the Department at its headquarters in Tallahassee, Florida, during regular business hours.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, _____.

4-138.044 Required Opinions.

(1) through (2) No change.

(3) Exemption Eligibility Tests.

(a)1. through 3. No change.

4.a. The Examiner Team for the NAIC, in applying the criteria set forth in the NAIC's Annual Statement Instructions/Life, Accident and Health, 1998 1996, the NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, 1998 1996 as adopted and incorporated by reference in rule 4-137.001(4) and in the NAIC's Financial Examiners Handbook (1998 1996) as adopted and incorporated by reference in rule 4-138.001, has not designated the company as:

i. through ii. No change.

b. No change.

(b) 1. through 3. No change.

4.a. The Examiner Team for the NAIC, in applying the criteria set forth in the NAIC's Annual Statement Instructions/Life, Accident and Health, 1998 1992, the NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, 1998 1992 as adopted and incorporated by reference in rule 4-137.001(4) and in the NAIC's Financial Examiners Handbook (1998 1994) as adopted and incorporated by reference in rule 4-138.001, has not designated the company as:

i. through ii. No change.

b. No change.

(c) through (d) No change.

(e) 1. through 3. No change.

4.a. The Examiner Team for the NAIC, in applying the criteria set forth in the NAIC's Annual Statement Instructions/Life, Accident and Health, 1998 1992, the NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, 1998 1992 as adopted and incorporated by reference in rule 4-137.001(4) and in the NAIC's Financial Examiners Handbook (1998 1994) as adopted and incorporated by reference in rule 4-138.001, has not designated the company as:

i. through ii. No change.

b. No change.

(f) No change.

(4) No change.

Specific 624.308(1), 625.121(3)(a) FS. Law Implemented 624.307(1), 624.316(1)(c), 624.424(1), 625.121(3) FS. History—New 5-18-93, Amended 2-16-94, 4-9-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 1998

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE: Local Ordinances

RULE NO.: 5J-12.005

PURPOSE AND EFFECT: The purpose and effect of this rule change is to define factors in determining whether a local municipality or county has adopted an ordinance containing standards which are at least equal to the requirements of the Florida Motor Vehicle Repair Act. (Previously noticed for Rule Development as 5J-12.004(3)(a)-(i)).

SUMMARY: This rule defines factors in determining whether a local municipality or county has adopted an ordinance containing standards which are at least equal to the requirements of the Florida Motor Vehicle Repair Act.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 559.92201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 8, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, City Centre Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James R. Kelly, Director, Division of Consumer Services, Mayo Building, Room 235, Tallahassee, Florida 32399-0800, Phone (850)922-2966

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-12.005 Local Ordinances.

For purposes of s. 559.904(4), F.S., the Department shall consider the following factors in determining whether a local municipality or county has adopted an ordinance containing standards which are at least equal to the requirements of the Florida Motor Vehicle Repair Act:

(1) Whether the ordinance includes a registration requirement;

(2) Whether the ordinance requires the registration certificate be posted in plain view in the motor vehicle repair shops;

(3) Whether the ordinance requires motor vehicle repair shops to provide a written repair estimate to the customer prior to any repair work being performed;

(4) Whether the ordinance requires motor vehicle repair shops to disclose to the customer that the shop charges a fee for providing written estimates;

(5) Whether the ordinance requires motor vehicle repair shops to provide a written repair invoice to the customer upon completion of a repair;

(6) Whether the ordinance requires motor vehicle repair shops to maintain vehicle repair records for a specified period of time;

(7) Whether the ordinance includes provisions allowing a customer to pay a bond to release any lien claimed by a motor vehicle repair shop under part II of chapter 713, F.S.;

(8) Whether the ordinance places additional requirements on motor vehicle repair shops beyond the requirements included in the Florida Motor Vehicle Repair Act;

(9) Whether the ordinance includes provisions allowing for the enforcement of its requirements.

Specific Authority 559.92201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Steckler, Assistant Director, Division of Consumer Services, Room 233, Mayo Building, Tallahassee, Florida 32399-0800, Phone (850)922-2966

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Room 233, Mayo Building, Tallahassee, Florida 32399-0800, Phone (850)922-2966

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 1998

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: RULE CHAPTER NO.

Schedule for the Transmission and Submission of Local Government Evaluation and Appraisal Reports 9J-33

RULE TITLES: RULE NOS.:

Local Governments with Populations of Fewer than 2,500 Persons 9J-33.003
Early Submission 9J-33.004
Local Government Transmittal and Submission Schedule 9J-33.005

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to revise Chapter 9J-33 to implement the 1998 legislative changes to Chapter.

SUMMARY OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 163.3191(8) FS.

LAW IMPLEMENTED: 163.3191 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. - 11:00 a.m., February 9, 1999

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ray Eubanks, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4925

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-33.003 Local Governments with Populations of Fewer than 2,500 Persons.

Specific Authority 163.3191(7) FS. Law Implemented 163.3191 FS. History-New 3-23-94, Repealed.

9J-33.004 Early Submission.

Specific Authority 163.3191(1), 163.3191(8) FS. Law Implemented 163.3191 FS. History-New 3-23-94, Repealed.

9J-33.005 Local Government Transmittal and Submission Schedule.

Local governing bodies shall submit their adopted evaluation and appraisal reports to the department for sufficiency review based on the schedule set forth below. Local planning agencies may shall transmit the proposed evaluation and appraisal report to the local governing body and to the Department of Community Affairs 90 days prior to the submission schedule set forth below:

(1) through (40) No change.

Note: This is the end of the schedule of counties and municipalities over 2,500 persons. For smaller cities, those with fewer than 2,500 persons, the schedule of evaluation and appraisal report submissions resumes in August, 2000.

- (41) August 1, 2000: None;
(42) September 1, 2000: None;
(43) October 1, 2000: None;
(44) November 1, 2000: El Portal, Golden Beach, Indian Creek Village, Islandia, Medley, Virginia Gardens;
(45) December 1, 2000: None;
(46) January 1, 2001: Everglades City;
(47) February 1, 2001: None;
(48) March 1, 2001: Lazy Lake;
(49) April 1, 2001: Sea Ranch Lakes, Weeki Wachee;
(50) May 1, 2001: Hillsboro Beach, Anna Maria, Bradenton Beach;
(51) June 1, 2001: Briny Breezes, Cloud Lake, Glen Ridge, Golfview, Golf Village, Gulf Stream, Hypoluxo, Jupiter Inlet Colony, Manalapan, Mangonia Park, Ocean Ridge, South Palm Beach, Saint Leo, San Antonio;
(52) July 1, 2001: Atlantis, Haverhill;
(53) August 1, 2001: Juno Beach, Palm Beach Shores, Belleair Bluffs;
(54) September 1, 2001: Belleair Beach, Belleair Shore, Indian Shores, North Redington Beach, Redington Shores;
(55) October 1, 2001: Redington Beach;
(56) November 1, 2001: Jupiter Island, Ocean Breeze Park, Sewalls Point;
(57) December 1, 2001: St. Lucie Village;
(58) January 1, 2002: Bronson, Cedar Key, Chiefland, Inglis, Otter Creek, Williston, Yankeetown, Fellsmere, Indian River Shores, Orchid;
(59) February 1, 2002: Malabar, Melbourne Village, Palm Shores, Cross City, Horseshoe Beach;

- ~~(60) March 1, 2002: Lake Helen, Oak Hill, Pierson, Ponce Inlet, Carrabelle;~~
- ~~(61) April 1, 2002: Cedar Grove, Mexico Beach;~~
- ~~(62) May 1, 2002: Beverly Beach, Bunnell, Marineland, Cinco Bayou, Laurel Hill, Shalimar;~~
- ~~(63) June 1, 2002: None;~~
- ~~(64) July 1, 2002: Wewahitchka;~~
- ~~(65) August 1, 2002: Hastings, St. Marks, Sopchoppy;~~
- ~~(66) September 1, 2002: Baldwin, Jay;~~
- ~~(67) October 1, 2002: Century;~~
- ~~(68) November 1, 2002: Callahan, Hilliard;~~
- ~~(69) December 1, 2002: Freeport, Paxton;~~
- ~~(70) January 1, 2003: Lake Placid;~~
- ~~(71) February 1, 2003: Glen Saint Mary, Key Colony Beach, Layton;~~
- ~~(72) March 1, 2003: Davenport, Dundee, Eagle Lake, Highland Park, Hillcrest Heights, Lake Hamilton, Polk City;~~
- ~~(73) April 1, 2003: Moore Haven, Bowling Green, Zolfo Springs, Caryville, Ebro, Vernon, Wausau;~~
- ~~(74) May 1, 2003: Esto, Noma, Ponce de Leon, Westville, Astatula, Groveland, Howey in the Hills, Mascotte, Minneola, Montverde, Umatilla;~~
- ~~(75) June 1, 2003: Fort White, Alford, Baseom, Campbellton, Cottondale, Grand Ridge, Greenwood, Jacob City, Malone, Sneads;~~
- ~~(76) July 1, 2003: Jasper, Jennings, White Springs, Bay Lake, Edgewood, Lake Buena Vista, Oakland, Windermere;~~
- ~~(77) August 1, 2003: Mayo, Bristol;~~
- ~~(78) September 1, 2003: Branford;~~
- ~~(79) October 1, 2003: Archer, Hawthorne, LaCrosse, Micanopy, Newberry, Waldo;~~
- ~~(80) November 1, 2003: Greensboro, Gretna, Havana, Midway, Bell, Fanning Springs, Trenton, Greenville, Lee;~~
- ~~(81) December 1, 2003: Crescent City, Interlachen, Pomona Park, Welaka, Lake Butler, Raiford, Worthington Springs;~~
- ~~(82) January 1, 2004: Brooker, Hampton, Lawtey, Keystone Heights, Penney Farms, Dunnellon, McIntosh, Reddick;~~
- ~~(83) February 1, 2004: Altha, Bushnell, Center Hill, Coleman, Webster.~~

Specific Authority 163.3191(4), 163.3191(5), 163.3191(8) FS. Law Implemented 163.3191 FS. History—New 3-23-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Eubanks, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carol Forthman, Director, Division of Community Planning, Department of Community Affairs
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 1998

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Railroads/Utilities Installation or Adjustment	14-46
RULE TITLES:	RULE NOS.:
Utilities Installation or Adjustment	14-46.001
Utilities Liaison	14-46.0011

PURPOSE AND EFFECT: The proposed rule amendment is to incorporate by reference a revised *Utility Accommodation Manual*. An interim amendment in 1996 replaced the Utility Permit form, which was to be used in conjunction with the 1993 edition of the manual. This amendment is to replace the 1993 edition with a new edition of the manual and to replace the 1996 Utility Permit form with a revised form. Also, Rule 14-46.0011 is being repealed, with part of the language included in Subsection (8) of the amended Rule 14-46.001. A copy of the revised *Utility Accommodation Manual* and revised Utility Permit form are available upon request.

SUMMARY: This amendment is to adopt the new edition of the *Utility Accommodation Manual*, as part of Rule 14-46.001, and to adopt a new Utility Permit form as part of the rule. Also, Rule 14-46.0011 is being repealed with part of the language included in the amended Rule 14-46.001.

The first rule development workshop was conducted May 23, 1997, at Tallahassee, Florida. An additional rule development workshop was conducted May 29, 1998, at Tampa, Florida.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., February 8, 1999

PLACE: Haydon Burns Building, Third Floor Conference Room, Room #348, 605 Suwannee Street, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This policy is established to regulate the location and manner for installation and adjustment of utility facilities on any FDOT right-of-way, in the interest of safety and of protection, utilization, and future development of these rights-of-way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

(2) Authorization by the FDOT Required. No person shall enter upon any right-of-way under the jurisdiction of the FDOT to construct, alter, operate, maintain, or relocate any utility installation without first being issued a permit to do so except as otherwise noted in the FDOT's *Utility Accommodation Manual*.

(3) Permits.

(a) The FDOT will issue permits for the construction, alteration, operation, relocation, and maintenance of utilities upon the right-of-way in conformity with the FDOT's *Utility Accommodation Manual*, January 1999 ~~June 1993~~ edition, FDOT Document No. 710-020-001-~~de~~, which is hereby incorporated by reference and made part of this rule, and which supersedes all previous editions. Copies of this document are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450 at no more than cost pursuant to Section 120.53(2)(a), Florida Statutes.

(b) The Utility Permit, FDOT Form 710-010-85, Rev. 01/99, is incorporated herein by reference ~~06/96 superseded Permit Form 592-03 listed in Section (3)(a) of the Utility Accommodation Manual, June 1993 edition, will be used in lieu of the superseded form listed in the manual.~~ Copies of FDOT Form 710-010-85, Rev. 04/97, available ~~06/96~~ be obtained from the State Utility Engineer at 605 Suwannee Street, Mail Station 32, Tallahassee, Florida 32399-0450, or the District Maintenance Engineers at each of the Department's districts.

(4) Reimbursement Conditions (Other than Interstate).

(a) The FDOT will not reimburse any utility for adjustment, relocation, or removal of existing utilities where the utility is located on public rights-of-way or other areas dedicated for public use.

(b) The FDOT will reimburse a utility for the relocation, adjustment, or removal of its facilities as a result of a FDOT construction project, where the utility's facilities are located on property in which the utility holds a compensable property interest.

(5) Reimbursement Conditions (Interstate). If relocation of utility facilities is required by construction of a project on the Federal-Aid Interstate System, and the cost of such project is financed by the federal government ~~up to the extent of 90%~~ under the Federal-Aid Highway Act, ~~then in that event~~ the FDOT will reimburse the expense of utility relocation which qualifies for reimbursement under Section 337.403(1)(a), Florida Statutes, in accordance with 23 C.F.R., Part 645, which regulations are hereby incorporated by reference and made a part of these rules. Copies of these federal regulations are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450 at no more than cost pursuant to Section 120.53(2)(a), Florida Statutes.

(6) Calculation of State Cost Participation. When the utility is eligible for any reimbursement from the FDOT, state participation will be based on the cost of making the required change in the utility after deducting any resulting increase in the value of the new utility and any salvage value derived from the old utility, and otherwise as fixed by FDOT Procedure, Utility Relocation Costs, No. 710-010-030-b, effective May 19, 1989, which is hereby incorporated by reference and made a part of these rules. Copies of this document are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450 at no more than cost pursuant to Section 120.53(2)(a), Florida Statutes.

(7) Cost Development and Reimbursement. Reimbursement by the FDOT for any eligible utility work will be based upon an executed utility agreement between the FDOT and the utility, authorizing the work of adjusting or relocating utility facilities. Reimbursement for utility work involving Federal-Aid Participation will be subject to the provisions of 23 C.F.R., Part 645.

(8) Utilities Liaison. FDOT will coordinate its advance planning of highway projects with the affected utilities to facilitate the relocation of the utility.

Specific Authority 334.044(2) FS. Law Implemented ~~316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05~~ FS. History—New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, _____.

14-46.0011 Utilities Liaison.

Specific Authority 334.044(2) FS. Law Implemented 337.401, 337.402, 337.403, 337.404 FS. History—New 7-5-90, Amended 6-8-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kenneth Weldon, State Utility Engineer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Transportation Policy, for Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 29, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 1997

DEPARTMENT OF CORRECTIONS

RULE TITLE: Disciplinary Confinement

RULE NO.: 33-3.0084

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide clarification of the Department's current practice regarding credit for completion of disciplinary confinement while in another status. The effect of the proposed rule is to clarify that unless removed from disciplinary confinement status by the disciplinary team or reviewing authorities, time spent in a status other than disciplinary confinement status will not count towards the number of days the inmate was assigned to disciplinary confinement.

SUMMARY: The proposed rule provides that unless an inmate is removed from disciplinary confinement status by the disciplinary team or reviewing authorities, time spent in a status other than disciplinary confinement status will not count towards the number of days the inmate was assigned to disciplinary confinement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., February 9, 1999

PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-3.0084 Disciplinary Confinement.
- (1) No change.
- (2) Release From Disciplinary Confinement.
- (a) through (b) No change.

(c) Unless removed from disciplinary confinement status by the disciplinary team or reviewing authorities, time spent by the inmate in a status other than disciplinary confinement will not count towards completion of the number of days the inmate was assigned to disciplinary confinement by the disciplinary team. Examples include the following: time spent out of the department's custody and time spent as an inpatient for medical or mental health reasons.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97,

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Roberts

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bill Thurber

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 1998

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Cameras and Tape Recorders

RULE NO.: 33-5.0091

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify regulations governing attorney visits with inmates. The effect of the proposed rule is to provide that attorneys will be allowed to videotape conversations with inmates under specified conditions.

SUMMARY: The proposed rule allows attorneys to videotape conversations with inmates and specifies restrictions related to such taping.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., February 16, 1999

PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-5.0091 Use of Cameras and Tape Recorders by Attorneys.

(1) No change.

(2) When an attorney visits an inmate he may bring and use a tape recorder or video camera to record the conversation provided he agrees to comply with reasonable security procedures, to tape only his conversations with the inmate, and provided the inmate consents.

(3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 1-12-83, Formerly 33-5.091, Amended 3-8-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Flack

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bill Thurber

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 29, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 1998

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE TITLE: Scheduling of Hearings

RULE NO.: 38E-5.014

PURPOSE AND EFFECT: The proposed amendment is needed to delete the requirement that representatives and witnesses for parties in unemployment cases be present at the same location as a party in order to participate in a telephone hearing. Unemployment appeals referees can now conference call hearing participants from multiple locations.

SUMMARY: Delete the requirement that representatives and witnesses for parties in unemployment cases be present at the same location as a party in order to participate in a telephone hearing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 20.171(4), 120.80(10)(a)1., 443.151(4)(d) FS.

LAW IMPLEMENTED: 443.151(4)(a),(b),(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., February 10, 1999

PLACE: Law Library, Conference Room, Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

38E-5.014 Scheduling of Hearings.

(1) Hearings shall be held at those regularly established hearing locations convenient to the interested parties or by telephone. If the parties agree to an in person hearing, however, the appeals referee shall conduct an in person hearing at one of the regularly established hearing locations.

(2) through (3) No change.

~~(4) Any party who chooses to be represented or call witnesses at a telephone hearing must arrange to have those persons present at the party's location at the time of hearing, participating by extension telephone, where available.~~

Specific Authority 20.171(4), ~~120.80(10)(a)1.~~, ~~420.53(1),(6)~~, 443.151(4)(d) FS. Law Implemented 120.53(6), 443.151(4)(a),(b),(d) FS. History—New 5-22-80, Formerly 38E-5.14, Amended 10-5-86,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John W. Kunberger, Clerk-Unemployment Appeals Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Geri Atkinson-Hazelton, General Counsel-Unemployment Appeals Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Continuing Education for Active and Inactive

RULE NO.: 61J2-3.009

Broker and Salesperson Licensees
PURPOSE AND EFFECT: The purpose and effect is for the Florida Real Estate Commission to amend paragraph (5)(f) of Rule 61J2-3.009 in response to the concerns raised by the First District Court of Appeal in John F. Phillips, Ph.D. v. Department of Business and Professional Regulation, 23 F.L.W. D1888 (1st DCA, 1998).

SUMMARY: Rule 61J2-3.009 addresses continuing education requirements for licensees including the procedure for administering continuing education by correspondence study and the course approval process. In the Phillips case, the court identified an ambiguity in paragraph (5)(f) regarding the time

frame for which a correspondence course will be approved. The current rule language provides a course "will be approved for 12 months plus the remaining period of the renewal cycle..." Since the Commission has renewal cycles for both licensees and instructors, the court was unsure, from a plain reading of the rule, which renewal cycle was being referenced. This rule amendment will remove this ambiguity by providing that it is the license renewal cycle, not instructor, to which the approval is tied.

In addition, the Commission has determined that such courses should be approved for 24 months instead of 12 months, plus the remaining period of the license renewal cycle.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Cost was prepared. However, it is anticipated that costs for both the real estate school providers and the Division of Real Estate will decrease due to the courses being approved for a longer period of time, i.e., 24 months instead of 12 months.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.01(1)(d)(e),(2), 475.05, 475.42(1)(c) FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., February 17, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James D. Kimbler, Acting Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.009 Continuing Education for Active and Inactive Broker and Salesperson Licensees.

(1) through (5)(e) No change.

(f) Continuing education courses by correspondence will be approved for 24 ~~12~~ months plus the remaining period of the license renewal cycle following the end of the 24 ~~12~~ month period at which point the course will expire. The license renewal cycles can be found in Rule 61-6.001(4) under Real Estate (Group I, Group II, Group III or Group IV). Courses

may not be offered, distributed or graded after the expiration date. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

(g) through (10) No change.

Specific Authority 475.01(1)(d)(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James D. Kimbler, Acting Director, Division of Real Estate
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Examination Review
RULE NO.: 61J2-3.018

PURPOSE AND EFFECT: The purpose and effect is to repeal the entire rule on examination review. Effective July 1, 1997, s. 455.217(3), Florida Statutes, was amended by authorizing only the Department of Business and Professional Regulation, and not the individual boards, to provide a process for the review of an examination. See s. 2, ch. 97-228, Laws of Florida, for the specific statutory amendment.

Therefore, the Florida Real Estate Commission has lost authority for this rule and it is to be repealed.

SUMMARY: Rule 61J2-3.018 provides for a process for an applicant, who has failed the state examination for licensure as a salesperson or broker, to review the examination questions and answers. The rule is being repealed because the Commission has lost statutory authority for the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.05 FS.
LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451, 455.217, 455.229 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

TIME AND DATE: 8:30 a.m., February 17, 1999
PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James D. Kimbler, Acting Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.018 Examination Review.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451, 455.217(2), 455.229 FS. History--New 2-16-81, Amended 9-16-84, 12-29-85, Formerly 21V-3.18, Amended 11-8-92, 7-20-93, Formerly 21V-3.018, Amended 11-16-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James D. Kimbler, Acting Director, Division of Real Estate
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 1998

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Marine Resources**

DOCKET NO.: 98-49R
RULE CHAPTER TITLE: RULE CHAPTER NO.:
Comprehensive Shellfish Control Code 62R-7
RULE TITLES: RULE NOS.:
Shellfish Harvesting Area Standards 62R-7.004
Container Identification, Terminal Sale Date;
Prohibitions 62R-7.010

PURPOSE AND EFFECT: This amendment proposes to reclassify the Horseshoe Beach shellfish harvesting area, Dixie County. A sanitary survey has been conducted that evaluates current information on pollution sources and bacteriological water quality, and recommends reclassification of the shellfish harvesting area.

The four-digit harvest area codes are proposed to be updated to reflect the proposed classifications. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area.

SUMMARY: The proposed reclassification of the Horseshoe Beach shellfish harvesting area will create a seasonal management plan with Winter (October through March) and Summer (April through September) seasons. During the Winter months the size of the conditionally approved area will decrease by 3,398 acres, from 93,793 acres to 90,395 acres, the conditionally restricted area will decrease by 741 acres, from 2,606 acres to 1,865 acres, and the size of the prohibited area will increase by 1,306 acres, from 1,509 acres to 2,815 acres. During the Summer months an approved area of 92,209 acres and a prohibited area of 2,815 acres will be established.

Current management of the conditionally approved and conditionally restricted areas is based on local one-day rainfall. Proposed management during the Winter season of these areas is based on local two-day cumulative rainfall. The average closure frequency of conditionally approved area is expected to decrease by 7.1 days per month, from 10.6 to 3.5 days per month. The average closure frequency of the conditionally restricted is expected to decrease by 9.2 days per month, from 10.6 to 1.4 days per month. Proposed management closures during the Summer season of the Approved area will be based on emergencies defined by 62R-7.003(12), Florida Administrative Code.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Horseshoe Beach shellfish harvesting area (#25) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in 62R-7.004(1). Additionally, these amendments provide an illustration of the Horseshoe Beach shellfish harvesting area classification boundaries in shellfish harvesting area maps 25A and 25B which are hereby incorporated by reference in 62R-7.004(1).

Additionally, these amendments propose updating the four-digit harvest area codes defined in 62R-7.010(3)(e) for Horseshoe Beach. These codes will be used on harvester tags to identify the locations where shellfish are harvested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 370.021(1), 370.071(1) FS.

LAW IMPLEMENTED: 370.071 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Monday, February 8, 1999

PLACE: Marjory Stoneman Douglas Building, Conference Room B, First Floor, 3900 Commonwealth Boulevard, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John McDowell, Bureau of Marine Resource Regulation and Development, 3900 Commonwealth Boulevard, Room 822, Tallahassee, Florida, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULES IS:

62R-7.004 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Section C of the National Shellfish Sanitation Program Manual of Operations, Part I. Copies of individual shellfish harvesting area maps, revised January 6, 1999 ~~October 28, 1998~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised January 6, 1999 ~~October 28, 1998~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 3900 Commonwealth Boulevard, Room 822, Tallahassee, Florida 32399.

(2) through (10) No change.

Specific Authority 370.021(1), 370.071(1), FS. Law Implemented 370.071, FS, History--New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, _____.

62R-7.010 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (2) No change.

(3) The harvester's tag's shall contain legible waterproof information arranged in the specific order as follows:

- (a) The harvester's saltwater product license number as assigned by the Department;
- (b) The date of harvesting;
- (c) The time of harvest;
- (d) The time of refrigeration, if applicable;

(e) The identification of the harvest area using the four digit code or name of the harvest area listed in Table 2, which is incorporated herein and appears at the end of this Chapter, as well as the most precise identification within that area as practicable;

(f) Common name of shellfish and quantity of shellfish;

(g) The following statement will appear in bold capitalized type "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

(4) through (12) No change.

Specific Authority 370.071 (1) FS. Law Implemented 370.071 FS. History--New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, _____.

TABLE 2: FOUR DIGIT CODES AND NAMES OF HARVEST AREAS

AREA CODE	HARVEST AREA NAME
0222	Pensacola Bay: Conditionally Approved (Escambia Bay, Winter, November 1 through March 30)
0232	Pensacola Bay: Conditionally Approved (East Bay, Winter, November 1 through March 30)
0242	Pensacola Bay: Conditionally Approved (Escambia Bay, Spring/Fall, April 1 through June 30 and October 1 through October 31)
0252	Pensacola Bay: Conditionally Approved (East Bay, Spring/Fall, April 1 through June 30 and October 1 through October 31)
0215	Pensacola Bay: Restricted (Escambia Bay Spring/Fall, April 1 through June 30 and October 1 through October 31)
0216	Pensacola Bay: Conditionally Restricted (Escambia Bay Winter, November 1 through March 30)
0226	Pensacola Bay: Conditionally Restricted (East Bay, Winter, November 1 through March 30)
0622	Choctawhatchee: Conditionally Approved (Central)
0632	Choctawhatchee: Conditionally Approved (Eastern)
0806	West Bay: Conditionally Restricted (Spring/Fall, April 1 through June 30 and October 1 through November 30)
0812	West Bay: Conditionally Approved (Winter, December 1 through March 31)
0822	West Bay: Conditionally Approved (Spring/Fall, April 1 through June 30 and October 1 through November 30)
0802	West Bay: Conditionally Approved
1012	North Bay: Conditionally Approved (Western)

1022	North Bay: Conditionally Approved (Eastern)	3702	Citrus County: Conditionally Approved
1206	East Bay: Conditionally Restricted	3706	Citrus County: Conditionally Restricted
1212	East Bay: Conditionally Approved (Section 1)	4202	Boca Ciega Bay: Conditionally Approved
1222	East Bay: Conditionally Approved (Section 2)		
1401	St. Joe Bay: Approved		
1506	Indian Lagoon: Conditionally Restricted		
1512	Indian Lagoon: Conditionally Approved Zone X (April 1 – June 30 & October 1 – December 31)		
1522	Indian Lagoon: Conditionally Approved Zone Y (April 1 – June 30 & October 1 – December 31)		
1532	Indian Lagoon: Conditionally Approved Zone Z (April 1 – June 30 & October 1 – December 31)		
1542	Indian Lagoon: Conditionally Approved Zone A (January 1 – March 31)		
1552	Indian Lagoon: Conditionally Approved Zone B (January 1 – March 31)		
1611	Apalachicola Bay: Approved (Winter)		
1621	Apalachicola Bay: Approved (Summer)		
1631	Apalachicola Bay: Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 (Summer)		
1612	Apalachicola Bay: Conditionally Approved West 1 (Winter)		
1622	Apalachicola Bay: Conditionally Approved West 2 (Winter)		
1632	Apalachicola Bay: Conditionally Approved West 3 (Winter)		
1642	Apalachicola Bay: Conditionally Approved East (Winter)		
1652	Apalachicola Bay: Conditionally Approved North (Summer)		
1662	Apalachicola Bay: Conditionally Approved South (Summer)		
1606	Apalachicola Bay: Conditionally Restricted		
2002	Ochlockonee Bay: Conditionally Approved		
2006	Ochlockonee Bay: Conditionally Restricted		
2206	Wakulla: Conditionally Restricted		
2212	Wakulla: Conditionally Approved (Zone 1)		
2222	Wakulla: Conditionally Approved (Zone 2)		
<u>2501</u>	<u>Horseshoe: Approved (Summer)</u>		
2502	Horseshoe: Conditionally Approved (<u>Winter</u>)		
2506	Horseshoe: Conditionally Restricted (<u>Winter</u>)		
2802	Suwannee Sound: Conditionally Approved		
2806	Suwannee Sound: Conditionally Restricted		
3012	Cedar Key: Conditionally Approved (Zone A)		
3022	Cedar Key: Conditionally Approved (Zone B)		
3006	Cedar Key: Conditionally Restricted		
3202	Waccasassa Bay: Conditionally Approved		
3206	Waccasassa Bay: Conditionally Restricted		
3402	Withlacoochee Bay: Conditionally Approved		
3406	Withlacoochee Bay: Conditionally Restricted		

- 4802 Lower Tampa Bay: Conditionally Approved
- 4806 Lower Tampa Bay: Conditionally Restricted
- 5402 Sarasota Bay: Conditionally Approved
- 5406 Sarasota Bay: Conditionally Restricted
- 5602 Lemon Bay: Conditionally Approved
- 5802 Gasparilla: Conditionally Approved
- 6002 Myakka River: Conditionally Approved
- 6006 Myakka River: Conditionally Restricted
- 6202 Pine Island Sound: Conditionally Approved
- 6201 Pine Island Sound: Approved
- 6602 Ten Thousand Islands: Conditionally Approved
- 7001 Indian River/St. Lucie: Approved
- 7006 Indian River/St. Lucie: Restricted
- 7202 North Indian River: Conditionally Approved
- 7206 North Indian River: Conditionally Restricted
- 7412 Body F: Conditionally Approved (Zone 1)
- 7422 Body F: Conditionally Approved (Zone 2)
- 7416 Body F: Conditionally Restricted (Zone 3)
- 7426 Body F: Conditionally Restricted (Zone 4)
- 7506 Body E: Conditionally Restricted
- 7602 Body D: Conditionally Approved
- 7606 Body D: Conditionally Restricted
- 7712 Body C: Conditionally Approved (Zone 1, March 1 through November 30)
- 7722 Body C: Conditionally Approved (Zone 2, March 1 through November 30)
- 7732 Body C: Conditionally Approved (December 1 through February 28 (or February 29 during a leap year))
- 7716 Body C: Conditionally Restricted (December 1 through February 28 (or February 29 during a leap year))
- 7726 Body C: Conditionally Restricted (March 1 through November 30)
- 7802 Body B: Conditionally Approved
- 7805 Body B: Restricted
- 7902 South Banana River: Conditionally Approved
- 7906 South Banana River: Conditionally Restricted
- 8001 Body A: Approved
- 8005 Body A: Restricted
- 8201 Volusia: Approved
- 8212 Volusia: Conditionally Approved (Zone 1)
- 8222 Volusia: Conditionally Approved (Zone 2)
- 8206 Volusia: Conditionally Restricted
- 8802 St. Johns South: Conditionally Approved
- 8806 St. Johns South: Conditionally Restricted
- 9202 St. Johns North: Conditionally Approved
- 9206 St. Johns North: Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA MAPS

Revised January 6, 1999 October 28, 1997

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Revised date
Apalachicola Bay System	16	16	April 22, 1998
Boca Ciega Bay	42	42	April 15, 1997
Body A	80	80	October 10, 1997
Body B	78	78	April 15, 1997
Body C	77	77A, 77B	April 15, 1997
Body D	76	76	April 15, 1997
Body E	75	75	April 15, 1997
Body F	74	74	April 15, 1997
Cedar Key	30	30	April 15, 1997
Choctawhatchee Bay	06	06	April 15, 1997
Citrus County	37	37	April 15, 1997
Duval County	96	96	April 15, 1997
East Bay	12	12	April 15, 1997
Gasparilla Sound	58	58	April 15, 1997
Horseshoe Beach	25	25A, 25B	January 6, 1999 April 15, 1997
Indian Lagoon	15	15A, 15B	April 15, 1997
Indian River/St. Lucie Counties	70	70	April 15, 1997
Lemon Bay	56	56	May 20, 1998
Lower Tampa Bay	48	48	April 15, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	April 15, 1997
North Indian River	72	72	April 15, 1997
North St. Johns	92	92	April 15, 1997
Ochlockonee Bay	20	20	August 26, 1998
Pensacola Bay System	02	02A, 02B	April 15, 1997
Pine Island Sound	62	62	October 28, 1998
Sarasota Bay	54	54	April 15, 1997
South Banana River	79	79	May 21, 1997
South St. Johns	88	88	April 15, 1997
South Volusia	82	82A, 82B	December 10, 1997
St. Joseph Bay	14	14	April 15, 1997
Suwannee Sound	28	28	December 17, 1997
Ten Thousand Islands	66	66	April 15, 1997
Waccasassa Bay	32	32	April 15, 1997
Wakulla County	22	22	April 15, 1997
West Bay	08	08	October 28, 1998
Withlacoochee Bay	34	34	April 15, 1997

INDEX OF SHELLFISH HARVESTING AREA
CLASSIFICATION BOUNDARIES AND MAN-

AGEMENT PLANS
Revised January 6, 1999 October 28, 1998

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Revised date
Apalachicola Bay System	16	16	April 22, 1998
Boca Ciega Bay	42	42	April 15, 1997
Body A	80	80	October 10, 1997
Body B	78	78	April 15, 1997
Body C	77	77A, 77B	April 15, 1997
Body D	76	76	April 15, 1997
Body E	75	75	April 15, 1997
Body F	74	74	April 15, 1997
Cedar Key	30	30	April 15, 1997
Choctawhatchee Bay	06	06	April 15, 1997
Citrus County	37	37	April 15, 1997
Duval County	96	96	April 15, 1997
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Waccasassa Bay	32	32	April 15, 1997
Wakulla County	22	22	April 15, 1997
West Bay	08	08	October 28, 1998
Withlacoochee Bay	34	34	April 15, 1997

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Thompson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edwin Conklin, Director, Division of Marine Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 28, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 1998

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLE: On-Site Visits
RULE NO.: 65C-14.004

PURPOSE AND EFFECT: This rule modification requires agencies which are accredited by the Council On Accreditation to notify the department of the dates the Council will visit the facility to conduct an evaluation. The department must then coordinate its relicensing determination to coincide with the visit of the Council On Accreditation.

SUMMARY: This rule modification will requires coordination of accreditation and relicensing efforts to avoid providers being subjected to two separate agency reviews during the same year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.175 FS.

LAW IMPLEMENTED: 409.175 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., February 5, 1999

PLACE: 1317 Winewood Blvd., Building 8, Conference Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy West, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-14.004 On-Site Visits.

(4) Agencies which are accredited by the Council On Accreditation must inform the department's licensing staff of the dates when the Council has scheduled an on site evaluation. The department must be informed within five working days of the agency being so notified by the Council. The department will coordinate its relicensing determination to coincide with the efforts of the Council.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 7-1-87, Formerly 10M-9.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy West, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dee Richter, Chief, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLE: On-Site Visits and Complaint Investigation
RULE NO.: 65C-15.004

PURPOSE AND EFFECT: This rule modification requires agencies which are accredited by the Council On Accreditation to notify the department of the dates the Council will visit the facility to conduct an evaluation. The department must then coordinate its relicensing determination to coincide with the visit of the Council On Accreditation.

SUMMARY: This rule modification will requires coordination of accreditation and relicensing efforts to avoid providers being subjected to two separate agency reviews during the same year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.175 FS.

LAW IMPLEMENTED: 409.175 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., February 5, 1999

PLACE: 1317 Winewood Blvd., Building 8, Conference Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy West, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-15.004 On-Site Visits and Complaint Investigation.

(7) Agencies which are accredited by the Council On Accreditation must inform the department's licensing staff of the dates when the Council has scheduled an on site evaluation. The department must be informed within five working days of the agency being so notified by the Council. The department will coordinate its relicensing determination to coincide with the efforts of the Council.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 12-19-90, Amended 10-27-93, Formerly 10M-24.014, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy West, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dee Richter, Chief, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 1998

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLE: Assessment
RULE NO.: 65C-23.001

PURPOSE AND EFFECT: To establish the requirements for reviewing a family's situation to determine if a hardship exemption should be granted to allow for a minor child of the participating family to continue to receive financial assistance under the Work and Gain Economic Self-Sufficiency (WAGES) program.

SUMMARY: In order for the department to properly assess the family situation, it was necessary that a form be developed for statewide use. This rule will allow for the public to be informed of the contents of the form and that it is mandatory that it be used by staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 414.105 FS.

LAW IMPLEMENTED: 414.105(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., February 12, 1999

PLACE: 1317 Winewood Blvd., Building 8, Conference Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne Wallace, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 65C-23
WAGES HARDSHIP EXEMPTION

65C-23.001 Assessment.

The department will conduct an assessment to determine if a minor child of a participating WAGES family that has reached the end of the eligibility period for temporary cash assistance should be recommended for a hardship extension. This recommendation will result from a review using Substitute Care Review form, CF-ES 2089, Jul 98, incorporated by reference, to determine if the termination of the child's temporary cash assistance would likely result in the child being placed into emergency shelter or foster care.

Specific Authority 414.45 FS. Law Implemented 414.105(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Wallace, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dee Richter, Chief, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 1998

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER NO.: 9J-5
RULE CHAPTER TITLE: Minimum Criteria for Review for Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determinations of Compliance

RULE NOS.: 9J-5.003, 9J-5.0053, 9J-5.022, 9J-5.023
RULE TITLES: Definitions, Evaluation and Appraisal Reports and Evaluation and Appraisal Amendments, Standards for Review of Required Land Development Regulations, Criteria for Determining Consistency of Land Development Regulations